DOCKET NO.: MSFT-2557/304882.01
Application No.: 10/674,676
Office Action Dated: September 28, 2006

PATENT
REPLY FILED UNDER EXPEDITED
PROCEDURE PURSUANT TO
37 CFR § 1.116

REMARKS

According to the most recent office action, claims 1, 2, 4-12, 14-30, 32-38, and 40-56 are pending in the application. These same claims stand rejected. The undersigned conducted a telephonic interview with examiner Brent Stace on February 16, 2007 regarding the patentability of the claims. Any relevant substantive remarks are discussed in an appropriate context, below.

Rejection Under 35 U.S.C. § 112, 1st Paragraph

During the telephonic interview, the examiner and the undersigned briefly discussed the issue of support for claims 8, 18, 36, and 44. The Manual of Patent Examining Procedure (MPEP) states the following:

> [E]arly opinions suggest the Patent and Trademark Office was unwilling to find written descriptive support when the only description was found in the claims; however, this viewpoint was rejected. See In re Koller, 613 F.2d 819, 204 USPQ 702 (CCPA 1980) (original claims constitute their own description); accord In re Gardner, 475 F.2d 1389, 177 USPQ 396 (CCPA 1973); accord In re Wertheim, 541 F.2d 257, 191 USPQ 90 (CCPA 1976). *It is now well accepted that a satisfactory description may be in the claims* or any other portion of the originally filed specification.

MPEP § 2163 (emphasis added). Applicant submits that claims 8, 18, 36, and 44 by themselves, and alternatively, in conjunction with paragraphs [0065] – [0067] and Fig. 3B, satisfy the written description requirement under 35 U.S.C. § 112, 1st Paragraph.

In the office action the examiner states:

> [T]he Applicant's arguments appear to be regarding the event of having the log entry(ies) **cached** in an intermediate memory rather than the claimed limitation of **moving** the log entry(ies) from intermediate cache memory to the "log."

Office Action, p. 3. For example, claim 8 depends from claim 7, reciting:

> 7.   A method according to claim 1, further including **storing** said at least one log entry **in an intermediate memory** previous to storing said at least one log entry in the log.

> 8.   A method according to claim 7, wherein said at least one log entry is **moved** from intermediate memory to the log after the data transaction commits.

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In other words, since claim 8 incorporates the limitation of claim 7, depending therefrom, the applicant hopes any issues regarding the notion of "storing"/ "caching" and "moving" is now resolved. The applicant, hence, respectfully disagrees with any remarks made regarding the reliability and efficacy of the claimed subject matter.

Rejection Under 35 U.S.C. § 101

As an initial matter, the applicant thanks the examiner for withdrawing the 35 U.S.C. § 101 rejection of claims 1-9, 12-19, 22, 24-26, 29-46, and 48-55.

With respect to claims 10, 20, and 27 these claims have been amended to add the limitation of "wherein said instructions are stored on said computer readable medium" – per the discussion during the telephonic interview and the examiner's remarks on page 6 of the Office Action.

With respect to claims 11, 21, and 28, these claims have been canceled. Thus, the remaining claims are in condition for allowance with respect to § 101.

Rejection Under 35 U.S.C. § 103(a)

After considering the feedback given by the examiner during the telephonic interview regarding the mapping of disclosed subject matter in Lomet et al, e.g. "REDO_DATA" and the B-link disclosure in Lehman, in order to expedite the prosecution of the presently pending subject matter, the applicants have amended the claims. For example, claim 1 now recites:

> A method for logging while updating a B-link tree via a plurality of data transactions, comprising:
>> generating at least one log entry corresponding to a data transaction of the plurality of data transactions, the data transaction to be carried out on said B-link tree, wherein said at least one log entry includes at least one entry from an allocation layer and at least one entry from a B-link tree layer, wherein said at least one entry from said allocation layer is local to its corresponding computing device of a plurality of computing devices and said at least one entry from said B-link tree layer is replicated among said plurality of computing devices; and
>> storing said at least one log entry into a log.

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The amended language has direct support in the specification, especially in paragraphs **[0086]** and **[0087]**.   All the other independent claims, 12, 22, 29, 38, 46, 51, 53, and 55 have been similarly amended. The remaining claims depending thereform are thus also allowable for similar reasons.

Should the examiner have any questions, remarks, or suggestions, the undersigned respectfully asks to be contacted at 206-903-2461.

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